

## Union Calendar No. 380

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4043

**[Report No. 115–510]**

To amend the Inspector General Act of 1978 to reauthorize the whistleblower protection program, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2017

Mr. BLUM (for himself and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JANUARY 11, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italie*]

# **A BILL**

To amend the Inspector General Act of 1978 to reauthorize the whistleblower protection program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Whistleblower Protec-

5 tion Extension Act of 2017”.

6 **SEC. 2. REAUTHORIZATION.**

7       (a) IN GENERAL.—Section 3(d) of the Inspector Gen-

8 eral Act of 1978 (5 U.S.C. App.) is amended—

9           (1) in paragraph (1)(C)—

10                   (A) by redesignating clauses (i) and (ii) as

11                   subclauses (I) and (II), respectively, and adjust-

12                   ing the margins accordingly;

13                   (B) by striking “Ombudsman who shall

14                   educate agency employees—” and inserting the

15                   following: “Coordinator who shall—

16                           “(i) educate agency employees—”;

17                   (C) in subclause (I), as so redesignated, by

18                   striking “on retaliation” and inserting “against

19                   retaliation”;

20                   (D) in subclause (II), as so redesignated,

21                   by striking the period at the end and inserting

22                   the following: “, including—

23                           “(aa) the means by which em-

24                           ployees may seek review of any allega-

25                           tion of reprisal, including the roles of

1 the Office of the Inspector General,  
2 the Office of Special Counsel, the  
3 Merit Systems Protection Board, and  
4 any other relevant entities; and

5 “(b) general information about  
6 the timeliness of such cases, the avail-  
7 ability of any alternative dispute  
8 mechanisms, and avenues for poten-  
9 tial relief;” and

10 (E) by adding at the end the following:

11 “(ii) assist the Inspector General in pro-  
12 moting the timely and appropriate handling and  
13 consideration of protected disclosures and alle-  
14 gations of reprisal, to the extent practicable, by  
15 the Inspector General; and

16 “(iii) assist the Inspector General in facili-  
17 tating communication and coordination with the  
18 Special Counsel, the Council of the Inspectors  
19 General on Integrity and Efficiency, the agency,  
20 Congress, and any other relevant entity regard-  
21 ing the timely and appropriate handling and  
22 consideration of protected disclosures, allega-  
23 tions of reprisal, and general matters regarding  
24 the implementation and administration of whis-

1           tleblower protection laws, rules, and regula-  
2           tions.”;

3           (2) in paragraph (2), by striking “Ombuds-  
4           man” and inserting “Coordinator”;

5           (3) by redesignating paragraph (3) as para-  
6           graph (4); and

7           (4) by inserting after paragraph (2) the fol-  
8           lowing:

9           “(3) The Whistleblower Protection Coordinator shall  
10          have direct access to the Inspector General as needed to  
11          accomplish the requirements of this subsection.”.

12          (b) RESPONSIBILITIES OF CIGIE.—Section 11(e) of  
13          the Inspector General Act of 1978 (5 U.S.C. App.) is  
14          amended by adding at the end the following:

15                 “(5) ADDITIONAL RESPONSIBILITIES RELATING  
16          TO WHISTLEBLOWER PROTECTION.—The Council  
17          shall—

18                         “(A) facilitate the work of the Whistle-  
19                         blower Protection Coordinators designated  
20                         under section 3(d)(C); and

21                         “(B) in consultation with the Office of  
22                         Special Counsel and Whistleblower Protection  
23                         Coordinators from the member offices of the In-  
24                         specter General, develop best practices for co-  
25                         ordination and communication in promoting the

1           timely and appropriate handling and consider-  
2           ation of protected disclosures, allegations of re-  
3           prisal, and general matters regarding the imple-  
4           mentation and administration of whistleblower  
5           protection laws, in accordance with Federal  
6           law.”.

7           (c) REPORTING.—Section 5 of the Inspector General  
8 Act of 1978 (5 U.S.C. App.) is amended—

9           (1) in subsection (a), by amending paragraph  
10          (20) to read as follows:

11           “(20)(A) a detailed description of any instance  
12          of whistleblower retaliation, including information  
13          about the official found to have engaged in retalia-  
14          tion; and

15           “(B) what, if any, consequences the establish-  
16          ment actually imposed to hold the official described  
17          in subparagraph (A) accountable;”; and

18          (2) in subsection (b)—

19           (A) in paragraph (3)(D), by striking  
20          “and” at the end;

21           (B) by redesignating paragraph (4) as  
22          paragraph (5); and

23           (C) by inserting after paragraph (3) the  
24          following:

1           “(4) whether the establishment entered into a  
2 settlement agreement with the official described in  
3 subsection (a)(20)(A), which shall be reported re-  
4 gardless of any confidentiality agreement relating to  
5 the settlement agreement; and”.

6       ~~(d) REPEAL OF SUNSET.—Subsection (e) of section~~  
7 ~~117 of the Whistleblower Protection Enhancement Act of~~  
8 ~~2012 (Public Law 112–199; 126 Stat. 1475) is repealed.~~

9       ~~(d) REPEAL OF SUNSET.—~~

10           (1) *IN GENERAL.*—*Subsection (c) of section 117*  
11 *of the Whistleblower Protection Enhancement Act of*  
12 *2012 (Public Law 112–199; 126 Stat. 1475) is re-*  
13 *pealed.*

14           (2) *RETROACTIVE EFFECTIVE DATE.*—*The*  
15 *amendment made by paragraph (1) shall take effect*  
16 *on November 26, 2017.*

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